

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/31/2023



HELEN F. DALTON & ASSOCIATES
ATTORNEYS AT LAW

80-02 Kew Gardens Road, Suite 601
Kew Gardens, New York 11415
Tel. (718) 263-9591 Fax. (718) 263-9598

May 31, 2023

Via ECF:

The Honorable Stewart D. Aaron, U.S.M.J.
United States District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl St.
New York, NY 10007-1312

Application GRANTED. SO ORDERED.
Dated: May 31, 2023

Att cl an

Re: **Rossete et al v. Hong Kong Kitchen (USA) Inc. et al**
Civil Docket No.: 22-cv-03049 (SDA)

Dear Judge Aaron:

We represent the Plaintiffs in this FLSA action, and we respectfully submit this joint letter motion, together with counsel for the Defendants, to respectfully request an extension of time for the parties to file their proposed settlement agreement, and Motion for Court approval pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015), and inclusive of the factors as set forth in *Wolinsky v. Scholastic Inc.*, 900 F. Supp. 2d 332, 335-36 (S.D.N.Y. 2012).

On May 17, 2023, the court directed, *inter alia*, that: “the parties must file a joint letter or motion that addresses whether the settlement is fair and reasonable. Any such letter or motion shall be filed by Wednesday, May 31, 2023...” (*see* Dkt. No. 45).

The Court had directed the parties to do so by today, and it has become apparent that the parties will require some additional time to do so.

Notwithstanding, our office circulated a proposed settlement for Defendants’ review on May 18, 2023, and we are awaiting same from counsel, who is working diligently with his clients towards that end so that the agreement can be finalized for signatures. As stated above, counsel for all the Defendants herein consent to this request, and this is the parties’ first such request on this matter. The parties reasonably anticipate approximately two (2) additional weeks to be sufficient to complete this process at this time, and propose June 14, 2023, as the date by which the parties shall do so. This request will not affect any other dates or deadlines.

We thank Your Honor for his kind consideration on this matter, and we remain available to provide any additional information.

Respectfully submitted,

Avraham Y. Scher
Avraham Y. Scher, Esq.

CC: counsel for defendants via ECF and electronic mail:

Zhou Min Wang, Esq.
Law Office of Zhou Wang
2 East Broadway, 9th Floor
New York, NY 10038
(212) 966 8860
Email: office8860@gmail.com

ATTORNEY TO BE NOTICED FOR THE DEFENDANTS